

**NEPHI CITY  
COUNCIL MEETING**

**MARCH 3, 2015**

The Nephi City Council met in regular session in the Council Chambers of City Hall located at 21 East 100 North at 7:30 p.m. Tuesday, March 3, 2015

Those present were:

Mayor.....	Mark R. Jones
Council Member.....	Lisa E. Brough
Council Member.....	Wade M. Gee
Council Member.....	Kent B. Park
Council Member.....	Greg Rowley
Council Member.....	Justin D. Seely (absent)
City Administrator....	J. Randy McKnight
City Attorney.....	Kasey L. Wright
City Recorder.....	R. Blair Painter

Guests: Myrna Trauntvein, (press), Donald W. Ball

Mayor Jones called the meeting to order and welcomed all present.

Council Member Brough then offered the invocation.

The minutes of the council meeting held on February 17, 2015 were presented for approval. Council Member Gee made the motion that the minutes for the February 17, 2015 city council meeting be approved as written, with a correction on the attendance list, showing the spelling of Howard to Howarth. Council Member Brough seconded the motion, which passed on a unanimous vote.

The council discussed a proposed ordinance authorizing collection fees to be added to delinquent utility accounts when the city retains the services of an attorney or third-party collection agency. Council Member Park made the motion to adopt ordinance 3-3-15, "AMENDMENT TO SECTION 8-7-2 OF THE NEPHI CITY CODE--DUE AND PAYABLE; DELINQUENCY." Council Member Rowley seconded the motion. Voting on the motion was unanimous in favor. (copy attached)

Kasey Wright, City Attorney, reviewed with the mayor and council the provisions of the Utah Open and Public Meeting Act. He reviewed the why, purpose, and what constitutes a public meeting versus what is a chance meeting of the council. A quorum must be present to hold a public meeting, and they must talk about city business.

City Administrator, J. Randy McKnight, reviewed with the council 4 projects within the city. The chlorinator building is now finished; the hollow bridge phase one is completed; Canyon View playground finished with the pavilion to be done when weather permits; and Pioneer Park almost done with tables left to be set up.

J. Randy McKnight, City Administrator, gave the council a report on the implementation of the electronic utility bill payments. Last month 728 utility accounts made payments with electronic means. 244 were credit card payments, 303 were on-line bank payments, 181 were e-checks, and 276 customers are now receiving paperless utility bills.

The council reviewed the subdivision plat at approximately 1200 North Main Street. The name of the subdivision has been changed to Painter Commercial Subdivision, Plat A. The mayor and council members signed the plat so it can now be recorded. The planning commission has approved the site plan and the building inspector will approve the building plans when available, so that the project can go forth rapidly.

A list of claims against the city was presented on the warrant register. Council Member Rowley made the motion to pay claims #15-1493 thru #15-1589 with funds appropriated. Council Member Park seconded the motion. The council reviewed several of the claims in detail and then voted unanimously to approve the motion.

City Administrator, J. Randy McKnight, told the council that John Bradley with the Nephi Recreation Program was recently recognized as "10 & Under Youth Ambassador of the Year" at the annual Utah Tennis Association Awards Banquet.

The council reviewed the upcoming calendar of events.

Noting the need for an executive session, Council Member Park made the motion to adjourn into executive session to discuss personnel matters and property acquisition and disposal. Council Member Gee seconded the motion which passed on a unanimous vote.

The council meeting adjourned at 8:25 p.m.

Council meeting reconvened at 9:04 p.m.

The council discussed a recommendation from Chief Mike Morgan that an additional unpaid reserve officer should be appointed.

Council Member Rowley made the motion to appoint Jeffery Glen Hansen to be an unpaid reserve police officer. The motion was seconded by Council Member Park, after which the voting was unanimous in favor of the motion.

Noting no other business, Council Member Rowley made the motion to adjourn. The second was made by Council Member Brough. The vote to adjourn was unanimous in favor.

**ORDINANCE NO. 3-3-15**

**AMENDMENT TO SECTION 8-7-2 OF THE NEPHI CITY CODE -- DUE AND PAYABLE; DELINQUENCY.**

AN ORDINANCE OF NEPHI CITY, STATE OF UTAH, AMENDING SECTION 8-7-2 OF THE NEPHI CITY CODE.

WHEREAS Nephi City has the legal authority to maintain and operate utility services; and

WHEREAS, Nephi City has the authority to require payment for utility services that it provides; and

WHEREAS, Nephi City has the authority to impose penalties for failure to timely pay for utility services provided by the City; and

WHEREAS, Section 8-7-2 of the Nephi City Code authorizes the City to impose penalties and interest for delinquent payment; and

WHEREAS, Utah Code Ann. §12-1-11 allows the City as a creditor to impose collection fees on delinquent utility accounts.

NOW THEREFORE, the City Council of Nephi City, State of Utah, desires to amend Section 8-7-2 of the Nephi City Code to provide for the imposition of collection fees and attorney's fees on individuals who are delinquent in the payment of utilities provided by the City. Accordingly, Section 8-7-2 of the Nephi City Code is amended to read as set forth in SECTION 1 herein:

**SECTION 1.**

**8-7-2: DUE AND PAYABLE; DELINQUENCY; PAYMENT OF ATTORNEY'S FEES AND COLLECTION COSTS:**


- A. All accounts are due on the twelfth of the month following billing. Accounts not paid by the twelfth will receive a delinquent notice requiring payment of the amount due by the thirtieth of the same month. This notice will state the amount due and will state that if this amount is not paid by the thirtieth, action will be taken to discontinue utility service to that account. A late payment penalty of ten dollars (\$10.00) and eighteen percent (18%) interest will be applied after the thirtieth. (Res. 6-5-01, 6-5-2001)
- B. In the event the City retains the services of an attorney or a third-party debt collection agency to collect delinquent utility fees, then the City may charge reasonable collection fees, costs, and/or attorney's fees as they are allowed under Utah law.

**SECTION 2.** Severability. If any provision or clause of this Ordinance or its application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses or applications which can be implemented without the invalid provision, clause, or application. To this end, the provisions of this Ordinance are declared to be severable.

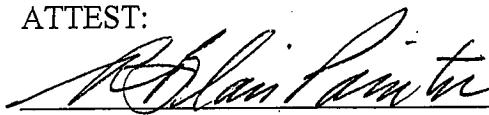
**SECTION 3.** Effective Date. This ordinance shall take effect immediately upon its passage and publication as prescribed by law.

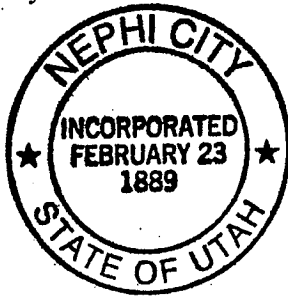
PASSED AND ADOPTED BY THE NEPHI CITY COUNCIL, STATE OF UTAH, ON THIS  
3<sup>rd</sup> DAY OF MARCH, 2015.

NEPHI CITY  
A Municipal Corporation

  
\_\_\_\_\_  
MARK R. JONES  
Mayor

ATTEST:

  
\_\_\_\_\_  
R. BLAIR PAINTER  
City Recorder



Council meeting was adjourned at 9:07 p.m.

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MAYOR

ATTEST:

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CITY RECORDER